

ESTTA Tracking number: **ESTTA533370**

Filing date: **04/19/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Jaguar Land Rover Limited
Granted to Date of previous extension	04/20/2013
Address	ABBNEY ROAD WHITLEY, COVENTRY, CV3 4LF UNITED KINGDOM

Correspondence information	Anna K. Heint Attorney of Record Brooks Kushman P.C. 1000 Town Center Ste. 2200 Southfield, MI 48075 UNITED STATES aheinl@brookskushman.com, gdavis@brookskushman.com, rlederman@brookskushman.com Phone:2483584400
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### Applicant Information

Application No	85702706	Publication date	02/19/2013
Opposition Filing Date	04/19/2013	Opposition Period Ends	04/20/2013
Applicant	Shenzhen Danhonghaotian Ecommerce Co., Ltd Rm401-501,7th Building,Longtang Industry Park, Liuyue Community,Henggang Street, Longgang,Shenzhen, CHINA		

### Goods/Services Affected by Opposition

Class 009. First Use: 2011/12/08 First Use In Commerce: 2012/02/16  
All goods and services in the class are opposed, namely: Cameras; Computer memories; Computer peripheral devices; Computers; Data processors; Electronic pens; Global positioning system (GPS); Laptop computers; Notebook computers; Portable media players

### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2188842	Application Date	12/23/1996
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Registration Date	09/15/1998	Foreign Priority Date	NONE
Word Mark	FREELANDER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: sport utility vehicles [ and structural parts thereof ]		

Attachments	FREELANDER NOO.pdf ( 5 pages )(208162 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/anna k heinl/
Name	Anna K. Heintl
Date	04/19/2013



1. JLR is a world-famous manufacturer and provider of vehicles, parts for vehicles and a wide variety of related automotive and non-automotive goods and services.

2. JLR is the owner of the FREELANDER mark through its use and registrations around the world in connection with its LAND ROVER vehicles and for a variety of goods and services related to such land motor vehicles, including parts for vehicles and other automotive and non-automotive goods and services and related merchandise.

3. JLR owns U.S. Trademark Registration 2,188,842 for FREELANDER in Class 12 for “sport utility vehicles.” This registration issued on September 15, 1998, and is incontestable, valid and subsisting, uncanceled and unrevoked.

4. Upon information and belief, Shenzhen Danhonghaotian Ecommerce Co., Ltd. (“the Applicant”) filed a trademark application for the mark FREELANDER & Design on August 14, 2012, claiming date of first use as December 8, 2011 and date of first use in commerce as February 16, 2012. As published, the application covered “Cameras; Computer memories; Computer peripheral devices; Computers; Data processors; Electronic pens; Global positioning system (GPS); Laptop computers; Notebook computers; Portable media players” in Class 9.

5. Upon information and belief, the Applicant’s FREELANDER & Design application has been assigned Serial No. 85/702,706.

6. Upon information and belief, there is no issue as to priority. JLR’s rights in the FREELANDER mark predate the Applicant’s filing date, claimed date of first use and claimed date of first use in commerce in connection with its goods for Application Serial No. 85/702,706.

7. The Applicant's mark, FREELANDER & Design, incorporates JLR's FREELANDER word mark in its entirety.

8. Upon information and belief, the Applicant's mark so resembles JLR's FREELANDER mark as to be likely, when used in connection with the Applicant's goods, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, 15 USC 1052(d).

9. Upon information and belief, the Applicant's mark falsely suggests a connection with JLR under Section 2(a) of the Lanham Act, 15 USC 1052(a).

10. Through JLR's extensive use of the FREELANDER mark, this mark has become distinctive and famous as defined under Section 43(c)(1) of the Lanham Act, as amended, 15 USC 1125(c)(1).

11. The Applicant's use of its FREELANDER & Design mark is likely to cause, and will cause, dilution of the distinctive value of JLR's FREELANDER mark under Section 43(c) of the Lanham Act, 15 USC 1125(c).

12. For the foregoing reasons, JLR will be damaged by the registration of the FREELANDER & Design mark by the Applicant.

WHEREFORE, JLR requests that registration of the mark FREELANDER & Design, Application Serial No. 85/702,706, be refused and this opposition be sustained.

The fee required under 37 C.F.R. 2.6(a)(17) should be charged to JLR's deposit account. This Notice of Opposition is being filed electronically. Since there is no designated

domestic representative set forth on the application, JLR is serving this Notice of Opposition on the filing correspondent and on the Applicant at the addresses set forth in the application.

Respectfully submitted,



By: \_\_\_\_\_

Robyn S. Lederman

Anna K. Heint

*Attorneys/Agents for JLR, Opposer*

Date: April 19, 2013  
(Filed electronically via USPTO ESTTA)

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351

**CERTIFICATE OF SERVICE**

I certify that I served:

**NOTICE OF OPPOSITION**

on April 19, 2013 by:

_____	delivering
<u>  X  </u>	mailing (via First Class Mail)

a copy to:

Sndre  
P.O. Box 100045-28  
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CHINA

*Correspondent for Applicant*

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Longtang Industry Park  
Liuyue Community  
Henggang Street  
Longgang, Shenzhen  
CHINA

*Applicant*

/anna k heinl/

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Anna K. Heinl